

REMARKS

Claims 1 through 23 were presented for examination in the present application. The instant amendment adds new claims 24 through 30. Thus, claims 1 through 30 are pending upon entry of the instant amendment.

Claim 22 has been amended to correct an obvious error, namely to include the article "the" when referring to the garment.

Claims 1 through 23 were rejected under 35 U.S.C. §103 over U.S. Patent No. 2,990,087 to Brewin et al. (Brewin) or U.S. Patent No. 2,985,502 to Kronsbein et al. (Kronsbein) in view of U.S. Patent No. 5,458,265 to Hester et al. (Hester).

Applicants respectfully traverse this rejection.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); MPEP § 2143.01.

It is respectfully submitted that there is no teaching in the cited art to combine the references in an attempt to produce the claimed invention. Nor would such a combination have occurred to a person having ordinary skill in the art at the time the invention was made.

Claim 1 recites "spraying a dye on a first side of the fabric to minimize over-spray of said dye".

The Office Action acknowledges that Brewin and Kronsbein teach a conventional method of bulk dyeing and, as such, fail to teach minimizing over-spray. However, the Office Action asserts that Hester discloses spraying that is directed to an exact location. See page 4, lines 14-22 of the Office Action. Thus, the Office Action asserts that it would have been obvious to modify the process of Brewin or Kronsbein to include the robot in Hester to direct the dye where needed. See page 5, lines 10-15 of the Office Action.

Hester discloses equipment and processes that produce specific, desired local finishes, such as variations in the amount of fading of an assembled garment to simulate the effects of actual wear, which are capable of being substantially identically reproduced from garment to garment on large numbers of assembled garments. See col. 2, lines 36-43. Hester also discloses that the use of a robot can be particularly advantageous in reproducing some effects which are almost impossible to duplicate by human workers armed with ordinary spray and sandblast tools such as faded outline around a wallet or can of chewing tobacco or snuff. See col. 3, lines 25-45.

However, Hester limits the modification of the garment to specific locations and, not, the entire garment. Specifically, Hester discloses that:

"Finishing as used in this application includes the application of chemical or mechanical agents to provide aged or faded effects on selected (local) areas of the garment, the application of dyes or paints to produce logos, shaded areas, or other designs on selected areas of the garment, the application of softening agents to the entire garment, and washing, drying, and applying tags (emphasis added)." See col. 4 line 67 through col. 5, line 7.

Thus, Hester discloses applying modifying agents to local areas of the garment, but not to the entire garment. Hester even recognizes that the robot can apply softening agents to the entire garment, but does recognize that the robot could apply the modifying agents to the entire garment. Therefore, it is respectfully submitted that one skilled in the art would simply not look to improve the bulk dyeing of Brewin or Kronsbein with the localized application of modifying agents as in Hester.

Further, claim 1 recites "exposing the fabric to a migration and fixation process prior to said dye drying on said first side so that said dye migrates from said first side to a second side of the fabric".

Applicants respectfully submit that the proposed combination of Brewin or Kronsbein with Hester simply does not disclose or suggest the spraying to minimize over-spray in combination with a migration and fixation process as recited by claim 1.

Brewin discloses a central spray head 25 provided with means to rotate and distribute the spray. From the sump at the bottom of the tank, the treating solution is withdrawn through pump 27 and discharged under pressure through the spray head 25. The re-circulation of the treating solution through spray head 25 continues for a predetermined time. See col 2, line 55 through col. 3 line 25. Brewin holds the tank at superatmospheric pressure to a temperature above the normal boiling point without boiling. Thus, Brewin continuously sprays the treating solution on the garment until the garment is thoroughly saturated with dye, where the chamber is at conditions (e.g., pressure and temperature) sufficient to fix the dye to the garment. It is submitted that the spraying to saturation disclosed by Brewin eliminates any need for migration of the dye through the garment.

Similarly, Kronsbein discloses a tank 1 having a spray nozzle 8 disposed at its upper part. The tank 1 includes a suction pump 6 connected to the lowest part of the tank. The outlet of suction pump 6 is connected to a fluid circulation pipe 7 which, in turn, is connected to spray nozzle 8. Pump 6 operates continually and circulates the dye through pipe 7 directly to spray nozzle 8. See col. 2, lines 25-53. It is also submitted that the spraying to saturation disclosed by Kronsbein eliminates any need for migration of the dye through the garment.

Thus, Brewin and Kronsbein do not disclose or suggest the need for a migration process because saturating a garment by a recirculating spray system simply eliminates any need for migration of the dye through the garment. It is only when one

sprays the dye on the first side to minimize over-spray of said dye that such a migration process is needed.

Again, Hester discloses applying modifying agents to local areas of the garment, but not to the entire garment. As such, the migration of the modifying agents is simply not disclosed or suggested by Hester. In fact, it is submitted that migration of the modifying agents would be contrary to the teachings of Hester, which is concerned with application only to localized areas.

Accordingly, the proposed combination of Brewin or Kronsbein and Hester does not disclose or suggest the combination recited by claim 1. Independent claim 1 is therefore believed to be in condition for allowance. In addition, claims 2 through 11 are also believed to be in condition for allowance for at least the reason that they depend from claim. Reconsideration and withdrawal of the rejection to claims 1 through 11 are respectfully requested.

Independent claim 12 recites "spraying said first side with a dye so that spraying of said dye on said carrier is minimized". Again, it is respectfully submitted that one skilled in the art would simply not look to improve the bulk dyeing of Brewin or Kronsbein with the localized application of modifying agents as in Hester.

Further, independent claim 12 recites "steaming and heating the garment prior to said dye drying on said first side so that said dye migrates from said first side to said second side". Brewin and Kronsbein do not disclose or suggest the need for a migration process because both disclose spraying the garment by recirculation spraying so that the need for migration of the dye through the garment is simply eliminated. Hester discloses equipment and processes that produce specific, desired local finishes, which also do not disclose or suggest the need for a migration process.

Accordingly, the proposed combination of Brewin or Kronsbein and Hester does not disclose or suggest the combination recited by claim 12. Independent claim 12, as

well as claims 13 through 21 that depend therefrom, are believed to be in condition for allowance. Reconsideration and withdrawal of the rejection to claims 12 through 21 are respectfully requested.

Independent claim 22 recites "steaming and heating the garment after said substantially even coat of said dye is applied to said first side but prior to said dye drying on said first side so that said dye migrates from said first side to a second side and reacts with and affixes to a component of the fabric."

The Office Action acknowledges that Brewin does not add any steam to the dye solution. See page 3, lines 9-10 of the Office Action. As such, the steaming and heating of Brewin occurs simultaneous to the dyeing and, thus, clearly does not occur after the substantially even coat of dye is applied to the first side as is recited by claim 22.

The Office Action acknowledges that Kronsbein discloses steaming that occurs simultaneously with the dyeing. See page 4, lines 10-11 of the Office Action. Thus, Kronsbein clearly does not disclose or suggest the step of heating and steaming after the substantially even coat of dye is applied to the first side as is recited by claim 22.

Hester does not disclose or suggest steaming after dyeing.

Accordingly, the proposed combination of Brewin or Kronsbein and Hester does not disclose or suggest the combination now recited by claim 22. Independent claim 22 is therefore believed to be in condition for allowance. In addition, claim 23 is also believed to be in condition for allowance for at least the reason that it depends from the aforementioned claim 23. Reconsideration and withdrawal of the rejection to claims 22 and 23 are respectfully requested.

Claims 24 through 30 have been added to point out various aspects of the present application. Support for new claims 24 through 30 can be found in the

specification at least at paragraphs [0036] through [0041].

It is believed that new claims 24 through 30 are in a condition for allowance.

For example, claim 24 and 25 are believed to be in condition for allowance for at least the reason that they depend from the aforementioned claim 23.

In addition, claim 24 recites the further step of "washing the garment while disposed on the carrier to remove to any residual, un-affixed dye from the garment after steaming and heating the garment." Claim 25 recites that steaming and heating the garment ensures "substantially uniform distribution of said dye throughout the garment." It is submitted that the combination recited by claims 24 and 25 are not disclosed or suggested by the proposed combination of Brewin or Kronsbein and Hester.

Independent claim 26 recites, in part, "spraying a dye on a first side of the garment to minimize over-spray of said dye" and "exposing the garment to a migration and fixation process prior to said dye drying on said first side but after spraying said dye on said first side to provide a substantially uniform distribution of said dye throughout the garment."

Brewin and Kronsbein do not disclose or suggest spraying dye to minimize over-spray. Brewin, Kronsbein, and Hester do not disclose or suggest exposing the garment to a migration and fixation process after spraying the dye. Hester does not disclose or suggest the claimed migration and fixation process that provides a substantially uniform distribution of dye throughout the garment. Clearly, the method of claim 26 is not disclosed or suggested by the proposed combination of Brewin or Kronsbein and Hester.

Claim 27 is believed to be in condition for allowance for at least the reason that it depends from the aforementioned claim 1. In addition, claim 27 recites that "said dye has a substantially uniform distribution throughout the fabric." It is respectfully

submitted that the cited art, alone or in combination, does not disclose or suggest the claimed migration and fixation process of claim 1 that provides the substantially uniform distribution of dye recited by claim 27.

Independent claim 28 recites "steaming and heating the garment after applying said substantially even coat of said dye but before drying said dye so that said dye migrates from said first side to a second side and reacts with and affixes to a component of the garment."

Again, the steaming and heating of Brewin occurs simultaneous to the dyeing and, thus, clearly does not occur after the substantially even coat of dye is applied to the first side as is recited by claim 28. The Office Action acknowledges that Kronsbein discloses steaming that occurs simultaneously with the dyeing. See page 4, lines 10-11 of the Office Action. Hester does not disclose or suggest steaming after dyeing. Thus, it is respectfully submitted that the cited art, alone or in combination, does not disclose or suggest the process of claim 28, which is believed to be in condition for allowance.

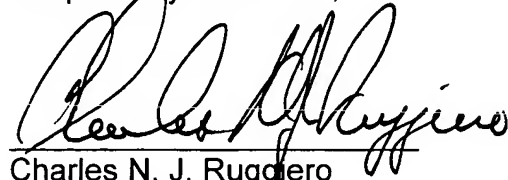
Claims 29 and 30 are believed to be in condition for allowance for at least the reason that they depend from the aforementioned claim 28.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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